IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO. 869 of 2005

Between:

1 Sanku Vijayalakshmi W/o.Peddiraju Naidu Hindu
Koyyalagudem V, West Godavari Dist.
2 Bandaru Papayamma W/o.Kanaka Durga Rao
Koyyalagudem V, West Godavari Dist.
3 Ambati Manikyamba W/o.late Narasimha Rao Hindu
Koyyalagudem V, West Godavari Dist.
4 Jagadala durgamba W/o.Subbarao Hindu
Koyyalagudem V, West Godavari Dist.
5 Taninki Varahalamma W/o.Venkatrao
Koyyalagudem V, West Godavari Dist.

..... PETITIONERS

AND

1 The District Collector, West Godavari, Eluru.
2 The Revenue Divisional Officer, Jangarddigudem,W.G.Dist.
3 The Mandal Revenue Officer, Koyyalagudem,W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a Writ of Mandamus, declaring the action of the respondents as illegal and *ultra vires* to the provisions of Articles 14 and 21 of the Constitution of India besides directing the respondents not to interfere or assign the lands the details of which are shown in the Annexure.

Counsel for the Petitioners: MR.JOSYULA BHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

The petitioners, who are five in number claim that they were assigned lands and granted pattas by the competent authority in accordance with the Board Standing Orders on 30.11.1969 in respect of Acs. 4-40 cts. in Sy. No. 254-2; Acs. 5-00 cts. in Sy.
No. 255-1; Acs. 4-93 cts. in Sy. No. 254-1; Ac. 0-94 cts. and Acs. 3-00 cts. in Sy. Nos. 253-1 and 254-3; and Acs. 2-70 cts. in Sy. No. 255-2 of Mangapatidevipeta village, Koyyalagudem Mandal, West Godavari District, and since then, they claim to be in possession and cultivation of the same. While so, when respondent No.2-Revenue Divisional Officer vide his proceedings, cancelled the pattas, the petitioners stated that they filed writ petition in W.P.
No. 1870 of 1986, and this Court while setting aside the order impugned therein, directed respondent No.2 to consider the matter afresh in the light of the materials available on record, and pass appropriate orders after providing opportunity to the petitioners. In pursuance of the orders of this case, it is the case of the petitioners that though respondent No.2 conducted enquiry afresh, has not passed any orders till today in spite of their repeated representations, and without passing any orders in the matter, the respondents are taking steps to distribute the land to landless poor on the ground that the land in the possession of the petitioners is a government land. And that even though, they represented to the District Collector on 19-1-2005, to grant pattas no action had been taken thereon. It is this action of the respondents, which the petitioners seek to assail in this writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue.

According to the petitioners themselves, the pattas granted to them in respect of the lands in their possession and cultivation were cancelled by respondent No.2 as far

back as on 4-2-1986, and though in the writ petition filed by them in W.P. No. 1870 of 1995, it is contended by the petitioners that the orders canceling the pattas were set aside, they have neither produced any material nor the order passed by this Court setting aside the orders canceling the pattas. Though pursuant to the orders in the writ petition, the petitioners contend that respondent No.2 having conduced enquiry afresh has not passed any orders in spite of their making several representations, they have not filed a single scrap of paper to evidence that in fact, they have been making such representations to respondent No.2 to dispose of the matter pending before him. According to the own version of the petitioners, respondent No.2 conducted fresh enquiry in the matter in the year 1986, and it cannot be expected or believed that the matter is still pending before him for nearly 20 long years. Inasmuch as on today, the pattas stand cancelled, and since in the revenue records, the land in possession and cultivation of the petitioners, is recorded as government land, no exception can be taken to the action of the respondents in seeking to assign the government land to landless poor, and more so which is a step taken in pursuance of a policy decision.

There is no merit in the writ petition, and the same is accordingly dismissed.

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N.V. RAMANA, J.

Date: 28-1-2005

KSR/NSR

ASSISTANT REGISTRAR

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SECTION OFFICER

Copy to:

1 The District Collector, West Godavari, Eluru.
2 The Revenue Divisional Officer, Jangarddigudem,W.G.Dist.
3 The Mandal Revenue Officer, Koyyalagudem,W.G.Dist.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.